

24-1170

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Thaddeus J. Delo

Honorable Jerome R. Waldie, Chairman
Subcommittee on Retirement and Employee Benefits
Committee on Post Office and Civil Service
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

We wish to submit our views on a bill, S. 1688, "To protect the civilian employees of the executive branch of the U. S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasion of their privacy," which recently passed the Senate and has been referred to your ~~Sub~~Committee.

This Agency is deeply committed to enhancing the morale, discipline and professionalism of Agency employees and to the extent that these qualities are dependent upon a proper regard for individual privacy, we are in agreement with the underlying principle of the bill. However, certain of its provisions could seriously impair our capability to protect intelligence sources and methods from unauthorized disclosure.

In this connection, the National Security Act of 1947, as amended, provides:

"... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;" (50 U. S. C. 403(d)(3)).

In addition, the Central Intelligence Agency Act of 1949 provides: !

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"In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the provisio of section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of any law which requires the publication, or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency...." (50 U. S. C. 403g)

S.1688 specifically authorizes adversary procedures which pose a serious paradox--the Agency must either remain silent in the face of unfounded allegations (with the alleged offending officer taking the consequences of the sanctions embodied in the bill), or it must divulge information which it is obligated by statute to protect, and disclosure of which might damage the national intelligence effort.

Enactment of the bill in its present form would be a most serious obstacle to the effective protection of intelligence sources and methods. The bill would weaken the Agency's efforts to prevent penetration by a hostile intelligence service, to ensure that its employees are suitable in all respects for employment in this sensitive Agency, and in general make it much more difficult for the Director of Central Intelligence to discharge his responsibilities under existing law. The partial exemptions granted the Agency under the bill are inadequate.

I have reviewed the position taken on this legislation by my predecessors, and concur in their position that the Agency be fully exempted from the bill as is the Federal Bureau of Investigation. I would appreciate the opportunity to testify on the bill ~~before your~~ Subcommittee to further emphasize our concerns.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

W. E. Colby
Director

INTERNAL
USE ONLY

File

SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional) S. 1688, Ervin Bill			
FROM: Office of Legislative Counsel 7D43 Hq		EXTENSION <div></div>	NO. <u>74-1170</u> DATE 1 April 1974
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS
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Attached for your concurrence is a proposed letter to Representative Waldie from the Director on the Ervin bill - Invasion of Privacy.

GEORGE L. CARY
Legislative Counsel

1-4 concur. We have no comments or suggestions.

[Signature]

Jan Oul
Concurrence
Sept 74.

[Signature]

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

S. 1688, Ervin Bill

FROM:

Office of Legislative Counsel
7D43 Hq

EXTENSION

NO.

ole 74-0598

DATE

1 April 1974

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1. OGC
Attn: Mr. Warner

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Attached for your concurrence is a proposed letter to Representative Waldie from the Director on the Ervin bill - Invasion of Privacy.

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GEORGE L. GARY
Legislative Counsel

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